



## CODE OF FEDERAL REGULATIONS

### TITLE 36, CHAPTER I

#### Compendium of Designations, Closures, Requests, Requirements and Other Restrictions imposed under the discretionary authority of the Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter I, Parts 1 through 7, authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of the portion of Everglades National Park under the jurisdiction of the National Park Service. These discretionary regulations are in addition to the other regulations published in Title 36 CFR, Chapter I, Parts 2 through 7. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1.

Dan B. Kimball

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Superintendent

05/12/2006

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Date

## EVERGLADES COMPENDIUM

### 1.5 Closures and Public Use Limit

|  |     |
|--|-----|
| (a)(1) Public Use Limits .....                                       | 1   |
| (a)(1) Visiting Hours.....   | 1   |
| (a)(1) Closures .....  | 2   |
| Areas closed to all public entry.....                                | 2   |
| Closed to landing and public entry during the periods indicated..... | 2   |
| Keys in Florida Bay open during the periods indicated .....          | 2   |
| Closed to anchoring, mooring or docking.....                         | 3   |
| Closed to Motor Vehicles.....  | 3   |
| Closed to Fishing .....  | 3   |
| Wading .....   | 4   |
| (a)(2) Bicycles.....   | 4   |
| Passenger Carrying Busses.....                                       | 4   |
| Fishing .....  | 4   |
| Legal taking/possession.....   | 4   |
| Bag Limits.....  | 4   |
| Cast Net Size.....   | 5   |
| Commercial Fishing Gear .....  | 5   |
| 1.6(f) Permits .....   | 5   |
| 2.1 Preservation of Natural Features.....                            | 5   |
| (a)(4)Collecting Dead Wood.....                                      | 5   |
| (c) Sea Shells .....   | 6   |
| 2.2(e) Use if Artificial Light.....                                  | 6   |
| 2.3(d)(8) Docks, piers, chickees open to fishing.....                | 6   |
| 2.10 (a) Camping .....   | 6   |
| Frontcountry.....  | 6   |
| Wilderness .....   | 7   |
| Wilderness Site Capacities .....                                     | 7/8 |
| (d) Food Storage .....   | 8   |
| 2.13(a)(1) Fires .....   | 8   |
| 2.14 Sanitation and Refuse.....                                      | 8   |
| (a)(7) Disposal of Fish Remains.....                                 | 8   |
| (a)(9) Disposal of Human Waste.....                                  | 8   |
| (b) Dicharge from Vessels.....                                       | 8   |
| 2.15 Pets.....   | 8   |
| (a)(1) Pet Policy.....   | 8   |
| (a)(9) Disposal of Pet Excrement.....                                | 8   |

|   |    |
|---|----|
| (e) Pet Policy.....                                 | 8  |
| 2.16 Horses and Pack Animal .....                   | 9  |
| 2.20 Skating, Skateboards, or Similar Devices ..... | 9  |
| 2.21(a) Smoking .....                               | 9  |
| 2.22(a)(2) Property .....                           | 9  |
| 2.35(a)(3) Alcoholic Beverages .....                | 9  |
| 2.51 Public Assemblies, Meetings .....              | 10 |
| 2.52 Sale/Distribution of Printed Matter .....      | 10 |
| 3.3 Boating Permits .....                           | 10 |
| 3.6(d)(1) Boating .....                             | 10 |
| Northwest District.....                             | 10 |
| Flamingo District .....                             | 10 |
| Florida Bay District.....                           | 10 |
| 3.21(a)(1) Swimming and Bathing .....               | 11 |
| 4.21(b) Speed Limits .....                          | 11 |
| 4.30(a) Bicycles .....                              | 11 |

## **APPENDICES:**

|  |        |
|--|--------|
| A. DESIGNATED AREAS FOR PUBLIC ASSEMBLIES/MEETINGS .....   | i      |
| B. Families & Species of Fishes Commonly Identified as Ornamental Tropical Fish in<br>Everglades National Park ..... | xi     |
| C. EVER Housing Management Policy (5281-18).....   | xv     |
| D. EVER Smoking Policy (5281-36).....  | xxiv   |
| E. Statements of Findings in Support of Closures.....  | xxviii |

## EVERGLADES COMPENDIUM

### **I. 36 CFR §1.5 VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES**

**(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:**

#### **PUBLIC USE LIMITS:**

- **Balloons**

All areas of the park are closed to the sale or use of helium-filled latex or mylar balloons unless they are tethered or released indoors.

- **Food and Drink**

Food and drink is prohibited in the following areas:

1. All visitor centers
  2. Public restrooms
  - \*3. All park nature trails, including boardwalks
  - \*4. The Shark Valley Tower structures and Shark Valley trams
  - \*5. Flamingo and Long Pine Key amphitheater areas
- \* Drinking water in plastic containers permitted in these areas

- **All Terrain Vehicles**

All areas of the park are closed to the use of all terrain vehicles (ATV).

As used in this section, the term "all terrain vehicle" means any motorized off-highway vehicle, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.

- **Airboat Flag**

Airboats shall fly an orange safety flag at least 10 inches wide and 12 inches long at a minimum height of 10 feet above the bottom of the vessel.

#### **VISITING HOURS:**

- **Entrances**

Visitors may enter or leave the park 24 hours a day, except as follows:

1. Motorized vehicles may not enter the Shark Valley area except during normal hours of operation, as posted.

- **Administrative Areas**

All sites and surrounding maintained grounds designated exclusively as administrative sites are open for administrative activities from 7 a.m. to 5 p.m. daily, unless otherwise posted. These sites include Park Headquarters, Pine Island Maintenance, Dan Beard Center, Bill Robertson Building and Fire Cache, Flamingo Maintenance Area, East Everglades Ranger Station, Tamiami Ranger Station, Key Largo Ranger Station and Administrative Offices.

CLOSURES:

The following areas are closed or restricted as indicated (additional locations may be closed or restricted between annual revisions of this compendium by the posting of appropriate signs).

- **Park Residence Areas**

Park residence areas located at Pine Island, Flamingo, Tamiami, Shark Valley, East Everglades and Key Largo are closed to public entry.

- **Areas Closed To All Public Entry**

1. Little Madiera Bay, Taylor River, East Creek, Mud Bay, Mud Creek, Davis Creek, Joe Bay and its easternmost portion, commonly called Snag Bay, and all creeks inland from the northern shoreline of Long Sound to U.S. Highway 1
2. Spillway or splash pad of the fountain at Chekika Lake
3. Rogers Bay Rookery
4. Cuthbert Lake, with attendant rookery
5. The small group of islands at the southeast entrance to Gaskin Bay, i.e., Indian Key Rookery, all year
6. The waters immediately adjacent to Porjoe, Sandy, Duck, and the Tern Keys, as posted
7. The moats and internal creeks, as posted, associated with the Buchanan Keys.
8. In the East Everglades District: Chekika Recreation Area, the Tower Tract, Mitchells Grove, Kendall Glider Port, Heck House, and Cartier House.
9. The area known as Frog City
10. The Nike Missile Base, unless authorized by the Superintendent or his/her designee.
11. The Buttonwood Canal Plug, as posted.

- **Closed to Public Entry and Landing During the Periods Indicated:**

1. East River Rookery from Nov. 1 to June 1
2. Lane River Rookery from Nov. 1 to June 1
3. Paurotis Pond is closed, as posted, during that portion of the year determined to be nesting season for wood storks
4. Hidden Lake Environmental Education Camp, including the access road from the intersection with the Old Ingraham Highway from December to April

- **Pursuant to 7.45(e)(6), the Following Keys in Florida Bay are Open During the Periods Indicated:**

1. Little Rabbit Key, all year
2. North Nest Key, all year except when beaches, shoreline and adjacent waters of North Nest Key are closed during those times posted by signs
3. Carl Ross Key, all year
4. Bradley and Carl Ross Keys, from sunrise to sunset

- **Closed to Anchoring, Mooring, or Docking:**

Anchoring, mooring or docking a vessel in the basin by the Flamingo Visitor Center seawall. The closed area forms a triangle starting from the east tip of the seawall, to the marina breakwater, to the western tip of the seawall at the Buttonwood Café.

- **Motor Vehicles**

The following areas are closed to unauthorized motor vehicles:

1. In the Tamiami Section of the Northeast District:

- The Shark Valley Tram Road is closed to private motor vehicles, with the exception of those vehicles associated with concession operations, and mobility scooters when the operator has in possession or displays on a vehicle a special disabled license plate, parking permit or identification card. (For the purpose of this regulation, a mobility scooter is defined as a 3 or 4 wheeled vehicle for a single person, battery-operated, with the maximum speed not exceeding 5 mph.)
- Old Highway 41

2. In the East Everglades Section of the Northeast District:

- All unpaved roads and trails in the East Everglades District, except those that make up portions of the park's eastern boundary.
- The Lee Property
- Mustang Corner Spur Road
- Shooting Gallery Access road, from its junction with SW 237<sup>th</sup> Avenue
- SW 280<sup>th</sup> Street
- SW 235 Avenue

3. In the Flamingo District:

- Bear Lake Road is closed to private motor vehicles as posted when:
  - a) Water on the road makes it impassable, or the roadbed would suffer structural damage by the passage of motor vehicles.
  - b) Vegetation along or on the road would make the road impassable, or present a threat of damage to vehicles, or property in vehicles transiting the roadway.

**Note:** Superintendent will be notified of any closure; notification will be made through the Chief Ranger, by the Flamingo District Ranger.

- **Fishing**

1. **Area Closures.** Fishing in the following waters is prohibited:

- a. Flamingo Marina, sunrise to sunset
- b. Mrazek Pond
- c. Eco Pond
- d. Coot Bay Pond
- e. West Lake Boardwalk Trail (boardwalks and trails)
- f. The cement seawall running parallel with the breezeway from the Buttonwood Café to the Flamingo Visitor Center
- g. The shoreline along the Flamingo Campground, from the amphitheater to the westernmost portion of "C" Loop, from sunset to sunrise.

- **Wading**

Wading within 100 feet of any shoreline that is closed to landing.

**(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:**

- **Bicycles on the Shark Valley Tram Road**

Bicyclists and mobility scooters on the Shark Valley Tram Road must stop and yield to passing or approaching trams and other authorized vehicles.

- **Passenger-Carrying Busses**

Passenger-carrying busses must shut their engines down while parked or standing, except while actually loading or unloading passengers. In developed areas or parking areas, loading or unloading passengers, engine warm-up or idling is limited to 15 minutes.

- **Fishing**

1. **Legal taking/possession.** Only the following fish (as defined in 36 CFR 1.4(a)) or parts thereof may be legally taken and/or possessed within Everglades National Park:

- a. Blue Crabs
- b. Stone crab claws
- c. Marine finfish, other than ornamental tropical fish, that may be legally taken and possessed in the State of Florida
- d. Shrimp
- e. Freshwater fish, other than ornamental tropical fish
- f. Saltwater bait fish, as listed in 36 CFR 7.45(d)(6).

**Finfish defined:** Members of the orders Agnathia, Chondrichthyes, and Osteichthyes.

**Ornamental Tropical Fish:** For purposes of this compendium, ornamental tropical fish shall be defined as fishes of species, and where applicable, sizes listed in Appendix B.

2. **Bag Limits.** The current Florida State laws governing bag and possession limits shall apply except as modified by 36 CFR 7.45, and the following restrictions noted:

- a. State bag and possession regulations temporarily waived by the State for specific tournaments, events, or research, shall not be waived within the boundaries of Everglades National Park unless a permit has been approved by the Superintendent.
- b. The bag limit per person shall be ten for any finfish species having no limit or a vessel or per person limit greater than ten, except that when a State vessel limit applies, the limit shall be ten per person or the vessel limit, whichever is less.

4. The bag limit identified in #2(b), does not apply to the following fish taken by hook and line: Tilapia, (*Oreochromis aureus*, *Oreochromis mossambicus*, *Tilapia marie*, Oscars (*Astronotus ocellatus*) and Cichlids (*Cichlasoma sp.*) There is no possession or bag limit on non-native species.

5. The maximum daily possession limit, of all finfish species in aggregate, shall be 20 fish; however, neither the state nor the park limit for a species may be exceeded within the aggregate.
  6. The daily limit for shrimp shall be 5 gallons per person or vessel, whichever is less.
  7. State law applies with respect to bait finfish and blue crab.
- **Cast Net Size**  
Possession or use of a cast net which exceeds 20 feet in diameter (total size of the net not to exceed 10 feet from the lead line to the horn) is prohibited.
  - **Commercial Fishing Gear**  
In addition to the restrictions imposed by 36 CFR §7.45, the following applies:  
Commercial nets and gear that are legal to transport through State waters and fish and other edible or non-edible sea life that are legally acquired in Federal waters but are illegal to catch in State waters or possess in the waters of Everglades National Park may be transported through the park only over Indian Key Pass, Sand Fly Pass, Rabbit Key Pass, and Chokoloskee Pass, along the most direct route to or from Everglades City or Chokoloskee Island.

## **II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

**(f) The following is a compilation of those activities for which a permit from the superintendent is required:**

- §1.5(d) Entering closed areas
- §2.5(a) Specimen collection
- §2.10(a) The following camping activities
  - Operation of vessels used as living quarters for more than 14 days.
  - Wilderness (Backcountry) use (overnight stays, other than designated campsites)
- §2.50(a) Special events
- §2.51(a) Public assemblies, meetings
- §2.52(c) Sale or distribution of printed matter
- §2.62 Memorialization
- §4.11(a) Exceeding established vehicle load, weight, and size limit
- §5.5 Commercial filming and video
- §5.7 Construction of photographic/observation blind.

## **III. GENERAL REGULATIONS**

### **36 CFR §2.1 – Preservation of Natural, Cultural and Archeological Resources**

(a)(4) Dead wood on the ground, including driftwood, may be collected for use as fuel in campfires within the park, as permitted by 36 CFR 2.13 and this compendium.



(c)(1)(2) Sea Shells

Up to one quart of unoccupied sea shells (per person/in possession) may be gathered.

**36 CFR §2.2 – Wildlife Protection**

(e) Use of Artificial Light

The use of artificial light for viewing wildlife is prohibited on all park roads.

**36 CFR§ 2.3 - Fishing**

(d)(8) Docks, piers, chickees open to fishing

In areas not closed to fishing, it is permitted to fish from public docks, piers and chickees.

**36 CFR §2.10 - Camping**

(a) No person, party, or organization shall be permitted to camp in Everglades National Park for more than a total of 30 days in a calendar year and no more than 14 consecutive days during the period from November 1 through April 30.

• **Frontcountry.** Regulations for camping in designated campgrounds are as follows:

1. Camping is allowed in designated sites only.
2. During the period from November 1 through April 30, all camping is limited to 14 days. (The Chief Ranger may extend the limit, if the campgrounds are well below full capacity. With this extension, campers may be relocated to facilitate efficient management of the campground).
3. Check-out time is 12 noon.
4. Camping is limited to eight persons, one RV and one tent, or two tents per campsite. An RV is defined as a motor home and tow vehicle, pickup camper, or travel/camper trailer with tow vehicle. An RV and a tow vehicle are considered two vehicles.
5. The group campsites are limited to tents only, 15 people and/or 8 tents per campsite, with all tents placed within 30 feet of the campsite grill.
6. At the Flamingo walk-in sites, camping is restricted to tents, and a maximum of two tents and 8 people per site. Tents must be within 30 feet of the campsite grill.
7. Motor vehicles are not permitted in the Flamingo Campground walk-in campsite area. Vehicles must remain in the walk-in campsite parking area.
8. Two wheels of vehicles, trailers, etc., must remain on the site parking pad at all times. A maximum of two vehicles per site is allowed.
9. Tying or hanging any lines from trees, shrubs, signposts or other structures is prohibited.
10. Motorized generators may not be operated in those campground areas specifically designated as "tent only" or "non-generator" areas
11. Motorized generators may not be operated between the hours of 8 p.m. to 8 a.m., in any portion of the campgrounds, during those months that camping fees are collected.
12. Camping is allowed aboard boats at the Flamingo Marina when slip fees have been paid. For camping or mooring of boats in excess of 14 days, a permit must be obtained from the Superintendent.

- **Wilderness.** A wilderness permit is required for camping, except when camping/sleeping aboard boats that are anchored out of sight of chickees and 1/4 mile from occupied beach or ground sites. At North Nest Key, a shorter distance is authorized if necessary. Permits must be displayed on tent or at campsite when campers are not present.

1. **Wilderness camping requiring a Special Use Permit:**

A special use permit is required for camping other than in designated campgrounds, designated wilderness campsites, or anchored boats out of sight of chickees and 1/4 mile from occupied beach or ground sites.

2. **Wilderness Campsite Capacities**

Wilderness camping is permitted only at the listed designated sites.

Length of stay limits, in effect during the period of November 1 through April 30, and campsite capacity limits, in effect year around, are as noted below.

| Site Name            | People | Groups | Nights |
|----------------------|--------|--------|--------|
| Alligator Creek      | 8      | 3      | 2      |
| Broad River          | 10     | 3      | 2      |
| Camp Lonesome        | 10     | 3      | 3      |
| Canepatch            | 12     | 4      | 3      |
| Clubhouse Beach      | 24     | 4      | 3      |
| Darwin's Place       | 8      | 2      | 3      |
| East Cape Sable      | 60     | 15     | 7      |
| E. Clubhouse         | 24     | 4      | 3      |
| Ernest Coe           | 8      | 1      | 3      |
| Graveyard Creek      | 8      | 2      | 3      |
| Harney River Chickee | 6/6    | 1/1    | 1      |
| Hell's Bay Chickee   | 6/6    | 1/1    | 1*     |
| Highland Beach       | 24     | 4      | 3      |
| Hog Key              | 8      | 2      | 2      |
| Ingraham             | 8      | 1      | 3      |
| Joe River Chickee    | 6/6    | 1/1    | 1*     |
| Kingston Key Chickee | 6/6    | 1/1    | 1*     |
| Lane Bay Chickee     | 6      | 1      | 1      |
| Lard Can             | 8      | 2      | 2      |
| Little Rabbit Key    | 12     | 4      | 2      |
| Lopez River          | 12     | 3      | 2      |
| Lostman's Five       | 10     | 2      | 3      |
| Middle Cape Sable    | 60     | 15     | 7      |
| Morman Key           | 12     | 2      | 3      |
| New Turkey Key       | 10     | 2      | 2      |
| North Nest Key       | 25     | 7      | 7      |
| North River Chickee  | 6      | 1      | 1      |
| NW Cape Sable        | 36     | 9      | 7      |
|                      |        |        |        |

|                       |     |     |    |
|-----------------------|-----|-----|----|
| Oyster Bay Chickee    | 6/6 | 1/1 | 1* |
| Pavilion Key          | 24  | 5   | 3  |
| Pearl Bay Chickee     | 6/6 | 1/1 | 1* |
| Picnic Key            | 16  | 3   | 3  |
| Plate Creek Chickee   | 6   | 1   | 1  |
| Rabbit Key            | 8   | 2   | 2  |
| Roberts River Chickee | 6/6 | 1/1 | 1* |
| RodgersRiver Chickee  | 6/6 | 1/1 | 1* |
| Shark River Chickee   | 6   | 1   | 1  |
| S. Joe River Chickee  | 6/6 | 1/1 | 1* |
| Sunday Bay Chickee    | 6/6 | 1/1 | 1* |
| Sweetwater Chickee    | 6/6 | 1/1 | 1* |
| Tiger Key             | 12  | 3   | 3  |
| Turkey Key            | 12  | 3   | 3  |
| Watson's Place        | 20  | 5   | 2  |
| Watson River Chickee  | 6   | 1   | 1  |
| Willy Willy           | 10  | 3   | 3  |
|                       |     |     |    |
| *Double Chickee       |     |     |    |

**(d) Food Storage**

Food storage regulations outlined in 36 CFR 2.10(d) apply in the following areas:

- Campgrounds, picnic areas, and parking lots.
- Vessels operating in undeveloped areas and the Flamingo marina.

**36 CFR §2.13 - Fires**

(a)(1) Open fires may be built only in grills provided or portable grills at the Long Pine Key picnic areas.

- Ground fires are permitted only below the storm surge line, at the following beach campsites: Clubhouse Beach, East Cape Sable, East Clubhouse Beach, Highland Beach, Hog Key, Middle Cape Sable, Mormon Key, New Turkey Key, NW Cape Sable, Pavilion Key, Picnic Key, Rabbit Key, Tiger Key and Turkey Key.

**36 CFR § 2.14 - Sanitation and Refuse**

(a)(7) Other than park fish cleaning stations designed for disposal of fish remains, the provisions of 36 CFR 2.14 (a)(7) shall apply.

(a)(9) Disposal of Human Waste

In non-developed areas, human waste must be buried at least 6 inches.

(b) The discharge or deposit of sewage from any vessel, whether treated or not, in park waters is prohibited.

**36 CFR § 2.15 - Pets**

(a)(1) Pets are permitted in the following areas:

- On roadways open to public vehicular traffic
- In roadside campgrounds and picnic areas

- On the maintained grounds surrounding public facilities and residential areas
- Aboard boats.

(a)(5) Pet excrement must be collected and disposed of in sealed containers or bags and placed in designated trash receptacles.

(e) Pets may be kept by park residents in accordance with 36 CFR 2.15 and the EVER Quarters Policy (5281-18) (Appendix C).

### **36 CFR §2.16 – Horses and Pack Animals**

(b) The use of horses is permitted only in the following locations:

- Coastal Prairie Trail
- Old Ingraham Highway
- Long Pine Key fire roads (except spur trails to Mosier Hammock)
- The road shoulder of the Research Road between Old Ingraham Highway and gate 2
- Context Road

(g) Stock must be fed non-grain feed (pellets) or hay.

### **36 CFR § 2.20 – Skating, Skateboards and Similar Devices**

The use of skates, skateboards, or similar devices is permitted only in park residential areas, and is limited to residents, their families and guests

### **36 CFR § 2.21 - Smoking**

(a) Smoking is prohibited in any public or administrative building. Smoking is permitted only in designated areas identified in the Everglades National Park Smoking Policy, EVER 5281-36 (Appendix D).

(a) Smoking is also prohibited in the following park areas:

- Public restrooms
- All park nature trails, including boardwalks
- The Shark Valley trams
- The Shark Valley tower
- Flamingo and Long Pine Key amphitheater areas

### **36 CFR § 2.22 - Property**

(a)(2) Visitors on backcountry trips are permitted to leave vehicles unattended in areas open to public parking for the period specified on their backcountry permit.

### **36 CFR § 2.35 – Alcoholic Beverages**

(a)(3) Consumption of alcoholic beverages is prohibited in the following areas:

- Visitor centers
- On boardwalk trails
- During interpretive programs
- On tram trips.
- On the Shark Valley Tower structure.

**36 CFR §2.51 – Public Assemblies, Meetings**

(e) Public assemblies and meetings are limited to areas designated in Appendix A.

**36 CFR § 2.52 – Sale or Distribution of Printed Matter**

(e) Sale and distribution of printed matter is limited to areas designated in Appendix A.

**36 CFR § 3.3 – Boating Permits**

Boaters using the Flamingo Marina are required to have a permit/rental receipt. Marina use not in accordance with the Flamingo Marina Slip Rental Policy Memorandum is prohibited.

**36 CFR § 3.6 - Boating**

(d)(1) Operating a vessel in excess of 5 mph or creating a wake is prohibited in the following areas as designated by buoys or signs:

- Northwest District
  1. Alligator Creek
  2. Plate Creek
  3. Halfway Creek
  4. Between Wilderness Waterway markers #86 & #87, near Darwin's Place
  5. Gopher Creek, from the confluence of Cannon Bay at location 25° 41' 188N/ 081° 12' 024W, south to the first bay at location 25° 40' 624 N/ 081° 12' 393W.
- Flamingo District
  1. Florida Bay Marina
  2. Whitewater Bay Marina
  3. Tarpon Creek
  4. Avocado Creek
  5. Coot Bay Canal
  6. Buttonwood Canal
  7. East Cape Canal
  8. North Prong
  9. The flats which lie within the triangle designated by the Flamingo Housing area dock, Christian Point, and the northern shoreline of Joe Kemp Key.
- Florida Bay District
  1. Marker 42 Creek
  2. The Boggies
  3. Shell Creek
  4. Nest Key
  5. McCormick Creek

Additional locations may be temporarily designated as "no wake" areas by the posting of appropriate signs/markers, when safety or potential damage to property or resources is of immediate concern.

**Note:** Superintendent will be notified of any temporary designations; notification will be made through the Chief Ranger by the District Ranger.

**36 CFR §3.21 - Swimming and Bathing**

(a)(1) Swimming or bathing is prohibited in all canals, ponds, freshwater lakes, marked channels and boat basins.

**36 CFR § 4.21 – Speed Limits**

(b) The following speed limits are established for the routes/roads indicated:

- **Main Park Road.** The speed limit on the main park road from the park boundary to Flamingo is 55 mph, as posted by signs, except for the following areas:
  1. The headquarters/entrance station area is 35 mph
  2. The speed limit in the entrance (westbound) lane of the entrance station on the Main Park Road shall be 15 mph, where so posted
  3. From the entrance station to the Royal Palm Turnoff, the speed limit is 45 mph
  4. From Mrazek Pond to Coot Bay Pond, the speed limit is 35 or 45 mph, when posted
  5. From Coot Bay Pond to Christian Point trail the speed limit is 45 mph, when posted
  6. Just north of the Christian Point trail and extending through Flamingo, the speed limit is 35 mph, except as posted.
- The speed limit on the following roads is 35 mph:
  1. Pine Island maintenance/residence area access road
  2. Royal Palm
  3. Long Pine Key
  4. Pa Hay-Okee
  5. Mahogany Hammock
- The speed limit on the Shark Valley Tram Road is 25 mph.
- The speed limit on the Main Visitor Center access road and the Headquarters employee access road is 25 mph.
- The speed limit on the following roads is 15 mph:
  1. The Shark Valley Entrance road, and as posted during flooding conditions
  2. The entrance road to the Gulf Coast Ranger Station
  3. The Pine Island residence area roads
- The speed limit on the Flamingo residence/maintenance area access road is 35 mph and 15 mph, as posted.

**36 CFR § 4.30 - Bicycles**

(a) In addition to established public roads, the following routes are designated for bicycle use:

- Shark Valley Entrance and Tram Roads
- L-67 Canal Road
- Snake Bight Canal Trail
- Rowdy Bend Trail
- Long Pine Key nature trail (Pine Glades Lake to the Long Pine Key Campground)
- Old Ingraham Highway, from the intersection with Research Road to Old Ingraham campsite
- Context Road

## APPENDIX A

### DESIGNATED AREAS FOR PUBLIC ASSEMBLIES/MEETINGS AND SALE/DISTRIBUTION OF PRINTED MATTER

Maps identifying locations approved for public assemblies/meetings and the sale/distribution of printed matter are attached.

Park Headquarters and Visitor Center area: The center grass island of the Main Visitor Center public parking lot. (Map A).

Royal Palm Visitor Center: The easternmost grass island in the parking lot. (Map B).

Long Pine Key: The amphitheater is open for public meetings if the activity does not conflict with regularly scheduled presentations.

West Lake Area: The parking lot is open (Map C).

Flamingo Developed Area: The grass islands of the restaurants/gift shop parking lot and the grass islands for the marina store parking lot. In addition, the amphitheater is open for public meetings if the activity does not conflict with regularly scheduled presentations (Map D & E).

Shark Valley Developed Area: The large grass island at the northeast corner of the parking lot is open (Map F).

Gulf Coast Ranger Station: The grass area adjacent to the bus parking lot is open (Map G).

Chekika Developed Area: The south west end of the parking lot, to include the parking spaces on the east side of the southernmost grass island, the corresponding number of spaces directly east on the east edge of the lot, and the traffic lane space in between is open. During times when Chekika is designated as closed, the first amendment site will remain available, but no access to the day-use area or campground will be allowed (Map H).

Key Largo Ranger Station: The grass area between the eastern portion of the park driveway and west of U.S. Highway 1 (Map I).

## APPENDIX B

### Families & species of fishes commonly identified as Ornamental Tropical Fish in Everglades National Park

Gars - *Lepisosteidae* (<6" Total Length)

Florida gar (*Lepisosteus platyrhincus*)

Bowfins - *Amidae* (<6" Total Length)

Bowfin (*Amia calva*)

Morays - *Muraenidae* (<6" Total Length)

Spotted moray (*Gymnothorax moringa*)

Blackledge moray (*Gymnothorax nigromarginatus*)

#### Killifishes - *Cyprinodontidae*

Golden topminnow (*Fundulus chrysotus*)

Marsh killifish (*Fundulus confluentus*)

Flagfish (*Jordanella floridae*)

Bluefin killifish (*Lucania goodei*)

#### Livebearers - *Poeciliidae*

Least killifish (*Heterandia formosa*)

Sailfin molly (*Poecilia latipinna*)

#### Pipefishes/Seahorses - *Syngnathidae*

Whitenose pipefish (*Cosmocampus albirostris*)

Lined seahorse (*Hippocampus erectus*)

Dwarf seahorse (*Hippocampus zosterae*)

Fringed pipefish (*Anarchopterus criniger*)



Banded pipefish (*Micronathus crinitus*)

Pugnose pipefish (*Syngnathus dunckeri*)

Dusky pipefish (*Syngnathus floridae*)

Chain pipefish (*Syngnathus louisianae*)

Gulf pipefish (*Syngnathus scovelli*)

**Seabasses**- *Serranidae*

Barred hamlet (*Hypoplectus puella*)

**Sunfishes** - *Centrarchidae*

Everglades pygmy sunfish (*Elassoma evergldei*)

Dollar sunfish (*Lepomis marginatus*)

**Cardinalfishes** - *Apogonidae*

Bronze cardinalfish (*Astrapogon alutus*)

**Grunts**- *Haemulidae*

Porkfish (*Anisotremus virginicus*) (<4" in Total Length)

**Drums** - *Sciaenidae*

High-hat (*Equetus acuminatus*)

Jackknife fish (*Equetus lanceolatus*)

Cubby (*Equetus umbrosus*)

**Butterflyfishes** - *Chaetodontidae*

Spotfin butterflyfish (*Chaetodon ocellatus*)

**Angelfishes** - *Pomacanthidae*

Queen angelfish (*Holocanthus ciliaris*)

**Damselfishes** - *Pomacentridae*

Sergeant major (*Abudefduf saxtilis*)

Beaugregory (*Pomacentrus leucostictis*)

**Wrasses** - *Labridae*

Spanish hogfish (*Bodianus rufus*)

Slippery dick (*Halichoeres bivittatus*)

**Parrotfishes** - *Scaridae* (<6" Total Length)

Bluelip parrotfish (*Cryptotomus roseus*)

Emerald parrotfish (*Nicholsina usta*)

Rainbow parrotfish (*Scarus guacamaia*)

Princess parrotfish (*Scarus taeniopterus*)

Redband parrotfish (*Sparisoma aurofrenatum*)

Redtail parrotfish (*Sparisoma chrysopteron*)

Bucktooth parrotfish (*Sparisoma radians*)

Redfin parrotfish (*Sparisoma rubripinne*)

Stoplight parrotfish (*Sparisoma virdie*)

**Combtooth Blennies** - *Blennidae*

Striped blenny (*Chasmodes bosquianus*)

Florida blenny (*Chasmodes saburrae*)

Feather blenny (*Hypsoblennius geminatus*)

Seaweed blenny (*Parablennius marmoreus*)

**Dragonets** - *Callionymidae*

Spotted dragonet (*Callionymus pauciradiatus*)

**Gobies** - *Gobiidae*

Bearded goby (*Barbulifer ceuthoecus*)

Frillfin goby (*Bathygobius soporator*)

Bridled goby (*Coryphopterus glaucofraenum*)

Slim goby (*Gobionellus boleosoma*)

Sharptail goby (*Gobionellus hastatus*)

Highfin goby (*Gobionellus oceanicus*)

Dash goby (*Gobionellus sapepallens*)

Emerald goby (*Gobionellus smaragdus*)

Naked goby (*Gobiosoma bosci*)

Code goby (*Gobiosoma robustum*)

Crested goby (*Lophogobius cyprinoides*)

Clown goby (*Microgobius gulosus*)

Banner goby (*Microgobius microlepis*)

Green goby (*Microgobius thalassinus*)

**Boxfishes** - *Ostraciidae*

Scrawled cowfish (*Lactophrys quadricornis*)

Trunkfish (*Lactophrys trigonus*)

**Porcupinefishes** - *Diodontidae*

Web burrfish (*Chilomycterus antillarum*)

Striped burrfish (*Chilomycterus schoepfi*)

Porcupinefish (*Diodon histrix*)

## APPENDIX E

### **Statement of Findings in Support of Closures Superintendent's Compendium 2005**

The Superintendent of Everglades National Park has used the discretionary authority granted by Chapter I of 36 CFR §1.5(a), and established certain closures. They are actions necessary for administration of the park in concert with its enabling legislation, NPS management policies for the benefit of the resource and the visitor. Articulations of the reasons for closures are set forth in this justification.

#### **36 CFR 1.5**

#### **PUBLIC USE LIMITS**

**Restrictions on Balloons.** The intentional or unintentional release of gas-filled balloons presents a threat to scenic and environmental values as they return to earth. They impair the wilderness scene and cause a litter problem.

**Restrictions on Food and Drink.** In the listed areas and buildings, the presence of food and drink is incompatible with other visitor uses, may create a litter problem, may cause damage to concession or natural history association items such as books, and may attract undesirable insects such as ants, inside buildings. Because of the heat and humidity in South Florida and the potential for dehydration, drinking water in plastic containers is permitted in designated areas otherwise closed to food and drink.

**All Terrain Vehicles.** Current motor vehicle regulations found in 36 CFR Part 4 and state regulations do not adequately address ATV use in the park. ATVs cause significant resource damage by travelling over fragile wetlands and in many cases, they are used as a conveyance to illegally take or attempt to take park protected wildlife. Because of their design, low-pressure tires and small-sized vehicles, they can go places not accessible to other vehicles. They cause significant short and long term resource damage.

**Airboat Flag.** This regulation requires all airboats to display an orange safety flag at least 10 inches wide and 12 inches long at a minimum height of 10 feet above the bottom of the vessel. The flag must be in good condition, not tattered or torn. This regulation will enhance public safety by increasing visibility, which will help reduce or prevent collisions. This regulation is consistent with the State of Florida regulations (FAC 68A-15.064) and the Big Cypress National Preserve regulations (36 CFR 7.86).

#### **VISITING HOURS**

**Shark Valley.** Shark Valley is managed as a day use area. At Shark Valley, concession and NPS equipment and buildings are unattended and at risk during nighttime hours. Acts of vandalism, theft and illegal forms of use such as rollerblading occur in spite of the closure, and would be less controllable if the area were completely open.

**Administrative Areas.** The designated administrative areas of the park are open daily during normal business hours only. For safety and security reasons, these areas are closed to the public from 5 p.m. to 7 a.m.

## **CLOSURES**

- **Residence Areas.** Park residence areas are closed to the public for the safety, security and privacy of the residences and their guests

- **All Public Entry**

**"American Crocodile Area Closure."** On September 25, 1975, the American crocodile was placed on the Federal list of endangered species. On February 15, 1980, the NPS closed the following areas within Everglades National Park to public entry: Little Madeira Bay, Taylor River, East Creek, Mud Bay, Mud Creek, Davis Creek, Joe Bay, Snag Bay, and all creeks inland from Long Sound to U.S. Highway 1. Though not so named in the regulations, they became known collectively as the "crocodile sanctuary." Prior to the complete closure, the "sanctuary" had been closed to the public during nesting season.

Studies done before the closure showed it to be the most active area, the "core" of nesting activity by the American crocodile. Further studies showed that the closure area was the most productive section of the Park for hatchling survival. There are an estimated 200-300 adult and sub-adult American crocodiles in south Florida. Of the estimated 48 (1995 data) breeding females within the south Florida population, about 17-25, or roughly half are found in Everglades National Park. The U.S. Fish and Wildlife Service, the lead agency in administration of the Endangered Species Act, developed a recovery plan for the American crocodile. It lists 60 breeding females in the south Florida population among its criteria for changing the status of the species from endangered to threatened; the time frame to reach that level, under present conditions, is 20-30 years.

Given (1) the high percentages of overall numbers and breeding females within the park, and (2) the high survival rate of hatchlings in the closure area, it follows that management actions taken by the NPS that impact crocodiles within the park, particularly the closure area, will significantly affect the species as a whole.

A NPS study entitled "A Draft Assessment of Recreational Boating and its Potential Impact on Resources Within the Crocodile Sanctuary of Everglades National Park" (1992), proposed a plan whereby the crocodile closure area could be opened to varying degrees to public access. The study concluded the closure could be lifted under a specific set of criteria, including the establishment of "no wake" zones for the protection of young crocodiles, regulatory signing, monitoring of population numbers and condition in the closed area, increased law enforcement patrols to protect the animals and maintain "no wake" areas, controlled regular trimming of opened creek areas, and development of a schedule for opening and closing parts of the area, relative to breeding, nesting and hatching activity.

The U.S. Fish and Wildlife Service, in an informal consultation, concluded the sanctuary could be opened without endangering the American crocodile, provided the NPS implemented and enforced the protective measures outlined in the assessment.

On September 15, 1993, a paper entitled "Deterioration of the Florida Bay Ecosystem: An Evaluation of the Scientific Evidence," was published. It included a summary of the manifestations of deterioration, such as seagrass and mangrove die-offs, algal blooms, increased salinity in the bay, reduction of bird and fish populations, and changes in American crocodile nesting patterns. The consensus of the six scientists on the evaluation panel is that the deterioration process is complex and its mechanics are not yet understood. They cautioned against making major policy and management decisions with the inadequate amount of existing information available.

Based on available information and comment, the Crocodile Area Closure, which, in the past was colloquially known as the "crocodile sanctuary" will remain closed for the following reasons:

1. Funding to support enforcement of seasonal closures and no-wake zones, regular patrols, adequate resource management monitoring, installation and maintenance of signs and trimming of vegetation along opened creeks in the closure area, which are criteria necessary for protection of the American crocodile is not available.
2. Aerial manatee surveys done in 1980/81 showed no animals in the closed area. Recently, they have been shown to be using the closed area for activities sensitive to disturbance, such as calving. The significance of the new activity relative to the status of the endangered manatee has not yet been determined.
3. The closed areas, in their present state, contribute significantly to the recovery of the American crocodile. Because part of the recovery plan is to attain 60 reproducing females, any area that supports a vital hatchery should be protected.

### **East Everglades Closures.**

Flooding from Hurricane Irene in 1999 and flooding from the "no-name" storm in 2000 caused significant damage to the Chekika campground and recreation area. There is no running water for toilets, showers, or the RV dump station. Due to a lack of funding to repair and upgrade these facilities and conditions, the area has deteriorated to the level of making it extremely unsafe for visitors.

The Tower Tract lies within #422. Access is via a single lane paved road east of SW 237<sup>th</sup> Ave. The road is currently gated. At the end of the road is the collapsing shell of a former building. There are walls but no roof. The area was once used to manage a large aerial tower that extended several hundred feet into the air. The tower was destroyed/damaged during Hurricane Andrew in 1992. Large sections of the tower, building and debris remain on the ground, posing a significant safety hazard.

The area known as the Kendall Glider Port contains an overgrown airstrip and an airplane hanger that contains a residential apartment. The area is remote and secluded and cannot be routinely monitored by park staff. The airstrip was in-service as a training airstrip as recently as 1998 and may appear on aviation charts. Since the park has purchased the property, the airstrip has not been maintained and is a potential safety hazard. The park currently has no intention of designating this area as an aircraft operating area or landing zone through the compendium or special regulations.

Mitchells Grove is an NPS-owned grove of mango trees, approximately 80 acres in size. The grove is a narrow strip of land located west of SW 237 Ave and lies between theoretical SW 172 Street and SW 182 Street. The grove extends west of SW 237 Ave into the Everglades. The area has a wire fence that extends around the majority of the grove. Since its purchase, the grove has not been maintained and is overgrown. Despite not being maintained, the grove still produces a significant amount of mangos annually, which attracts significant and noticeable trespassing by persons seeking to harvest the fruit. These people usually climb the fence adjacent to SW 237 Ave to access the grove. In addition to people seeking to harvest the fruit, the grove is a refuge for deer and other wildlife. Prior to the park's purchasing the property, the area was heavily hunted. The grove still remains an area where the threat of poaching and spotlighting is viable. The grove contains numerous large diesel generators, irrigation equipment, piping, and debris that could cause injury to anyone walking in the overgrown area.

Heck House and property is located at 16595 SW 232 Ave, Miami, FL, purchased by the NPS from the Donald Heck family. The parcel contains a small mango grove west of the main house. The Cartier Place and property is located at 14851 SW 254 Ave, Miami, FL. These houses are currently vacant and are scheduled to be demolished with the sites restored as part of the Everglades Restoration Program. For safety and crime prevention reasons, these closures include the vacant houses, the curtilage, outbuildings and driveways from its junction with the adjacent public roadway.

**Frog City.** The area known as Frog City is located on U.S. Highway 41. It has been used as the main airboat access area for researchers and law enforcement to the Shark River Slough and East Everglades. The entrance of the area has a chain-link fence across it with a rolling gate. On the fence are two signs stating "NO TRESPASSING" notifying the public from the road that the area is closed. This closure is needed primarily to protect government vehicles and equipment from vandalism and theft, and to keep park visitors safe by restricting access to an un-maintained area.

**The Nike Missile Base.** The Nike Missile Base is a gated area located south of the Dan Beard Center. In the past, it has been used to secure and store government equipment (it still serves as the storage area for government vessels and other large equipment during hurricane shut-downs). The area poses many safety hazards to park visitors and therefore will only be accessed by the public under the authorization of the Superintendent or his/her designee.

**The Buttonwood Canal Plug.** The Buttonwood Canal Plug is located in the Flamingo marina. It is a concrete bridge-like structure that divides the Buttonwood Canal from Florida Bay. The concessionaire manages and operates a boat hoist to lift and move vessels from one side to the other. When the boat hoist is in operation, it poses a safety hazard to unwary visitors. In addition, federally listed endangered American Crocodiles frequently lie on the banks across the plug. Park and concession personnel have noticed an increase in the harassment and the intentional disturbing of these animals. The closure of the plug to public access is needed for the safety of park visitors and to further protect the crocodile from unnecessary disturbance.

**Keys and Rookeries.** Bird populations in Everglades National Park are approximately 10% of original numbers. For that reason, it is important to protect any habitat critical to nesting and rearing of young. The hatching and fledging of young birds are activities easily disrupted by the presence of humans. Disruption of nesting activity and overt or inadvertent damage to habitat or anything causing mortality of adult or juvenile birds would have far reaching effects in the

ecosystem, and to other visitors' enjoyment of the variety of bird species found in the park. Therefore, to protect those valuable resources and implement the management responsibility to maintain the resources "unimpaired for the enjoyment of future generations," the rookeries listed on page 2 of this document are closed to public entry. In the cases of Porjoe, Sandy, Duck, Tern and the Buchanan Keys, closure of the keys themselves is not enough. Researchers have determined that a buffer zone of water in and around the keys is essential to minimize disturbance. The waters are posted appropriately.

East River and Lane River Rookeries are closed only November 1 to June 1, as that is the only critical time for nesting birds. Pavilion Key has a small campsite on the north end; closure of the remainder of the island is essential for the protection of bird life. Paurotis Pond provides prime nesting habitat to a colony of wood storks, a federally endangered species. The area is posted as closed on or around January 1, when it is determined, by observations, that nesting activity has begun. Because the season varies slightly from year-to-year, the dates of closing and opening subject to those fluctuations, and the opening date is left open ended.

The north end of Pavilion Key had previously been closed to the public, because it was being used as a nesting site for a pair of bald eagles. It has been 5 years since the nest has been active; South Florida Natural Resources Center biologists say that access to that portion of the island will not immediately impair any future attempt at recolonization by eagles. Sufficient time would be available to again close it if eagles began nesting efforts.

**Keys Open to the Public.** Two keys in Florida Bay, North Nest Key and Rabbit Key, are open to the public as campsites. They provide for a camping experience in the Florida Bay area without excessive impact on nesting birds. Each site is regulated as to carrying capacity, and use is by permit only. Due to the damage from Hurricanes Katrina and Wilma in 2005, Carl Ross Key has been re-designated a day-use area.

- **Closed to Anchoring, Mooring, or Docking.** The small basin formed by the seawall in front of the Flamingo Visitor Center provides a unique vista for viewing wildlife and birds. This area is frequently used by rangers to conduct formal interpretive programs. Large vessels that anchor or moor in this area block the view of the wildlife and nearby keys that are the focal point of the interpretive programs. The vessels also create significant noise from generators, radios, and engines. The noise interferes with the natural soundscape of the area. The moored or anchored vessels also create a hazard to navigation. Wind shifts and tidal changes often cause vessels to swing into the Flamingo Channel. Safe anchorage is available in the Flamingo marina and outside the main channel at Murray and Oyster Keys. Vessels may also stay in the marina for several hours for free to purchase supplies or visit the area. The closed area is delineated by a triangle formed by the seawall in front of the Visitor Center, east to where it meets the marina breakwater, to the western tip of the seawall at the Buttonwood Cafe.

- **Closed to Motor Vehicles**

**Shark Valley Tram Road.** In the 1979 Everglades National Park Master Plan, the Shark Valley Loop Road was closed to private vehicle traffic and designated for use by a tram, to supplant private vehicle traffic, and as a bicycle and hiking trail. The narrow width of the road is not conducive to both bicycle and automobile traffic; safety for cyclists and orderly flow of traffic would be significant issues. Other areas of the park, such as the Main Park Road offer comparable vistas and access to wildlife areas for those wishing to travel by private vehicle. The



tram offers a comparable experience and access to that of a private automobile, without the additional congestion and potential hazard to hikers and cyclists and provides a type of visitor experience unique in the park. The passage of one tram per hour on average, provides a much quieter visitor experience than the constant movement of automobile traffic.

Bicycles and trams cannot safely pass each other while both are in motion, due to the narrowness of the road. It is not possible, with the great amount of bicycle traffic, for the tram to stop each time a bicycle passes; it is easier and quicker for a cyclist to come to a halt and move to the side of the road to let it pass.

A recent increase in the use of “mobility scooters” has surfaced at Shark Valley. To accommodate the visitors who are mobility impaired and utilizing these scooters, the Park is allowing the scooters to be used on the Shark Valley Tram Road, as long as the visitor possesses identification to authenticate a legitimate need to use the scooter. Identification can include a disabled license plate or handicapped placard or identification card. For the purpose of this regulation, a “mobility scooter” has been defined as a 3 or 4 wheeled vehicle for a single person, battery-operated, with the maximum speed not exceeding 5 mph. For safety purposes, the scooter must stop and yield to passing or approaching trams and other authorized vehicles.

**Old Highway 41.** Old Highway 41 parallels U.S. Highway 41 near Shark Valley. The old highway has 3 entrances, one immediately outside the Shark Valley gate, the other 2 are about 4 miles east of Shark Valley and are accessed by a small dirt road known as Buffalo Lane. Each section of the road has one or two underpasses allowing water from the northside of the canal to flow south into the Park. These sections of road have not been maintained and in some areas large sinkholes have developed. The underpasses have also not been maintained and it appears that the southern end of the road has been undermined by the water flowing through the underpass. The roadside vegetation has not been trimmed, making the road narrow and hard to navigate. The road will remain open to pedestrian traffic.

**All unpaved roads and trails in the East Everglades District, except those that make up portions of the park's eastern boundary.** These roads and trails are not maintained by any agency. They are slightly-raised single-lane dirt paths through natural wetlands and marl prairie. The majority of these roads flood during the wet season and are primarily inaccessible. Due to their proximity to the metropolitan Miami-Dade area, these roads and trails receive significant illegal off-road use and major dumping. The roads are slated for eventual removal as part of the Everglades Restoration Program. The roads along the park's eastern boundary will remain open to provide access to private property and farmlands.

**Context Rd., Mustang Corner Spur Rd., Shooting Gallery Access Road from 237<sup>th</sup> Ave.** The Context Road is gated and already closed to the motor vehicles, but no compendium notation has been made. The Mustang Corner Spur and Shooting Gallery Access Roads do not contribute significantly to visitor access to the park; they are short sections of road that offer no advantage over the 237<sup>th</sup> Avenue as an access point. The primary uses of the road have been illegal use of firearms and dumping of refuse and stolen vehicles; they have been major sources of that type of activity in the park.

**SW 248 Street, SW 252 Street.** These roads are dead end roads, and are currently posed as closed to motor vehicles. These roads are behind gates installed by the South Florida Water

Management District restricting access to authorized vehicles. These roads are unimproved dirt roadways which are naturally reconverting to sawgrass prairie. Road conditions are such that damage would likely result to motor vehicles traveling these roadways. There is currently no significant motor vehicle traffic within these areas.

**SW 280 Street, SW 235 Avenue.** These roads are behind gates installed by the South Florida Water Management District to restrict unauthorized access to their property. Since motor vehicle access to the park is already restricted by these gates, this closure supports the closure by the SFWMD for the safety and security of their canal and flood gate property and to reduce or discourage poaching and other illegal activities.

- **Fishing Closures.** Flamingo Marina is closed to fishing because of the attractant effect on alligators; they become habituated to human presence, and the association with food in the form of bait. Pelicans and gulls are attracted to artificial lures as well as live bait, and are hooked when they bite baited hooks, or are entangled in fishing line. In addition, it conflicts with boaters' use of the dock and slip facilities, and visitors sightseeing along the water.

Mrazek and Coot Bay Ponds are closed to fishing because they provide visitors with exceptional opportunities to view native bird life, with easy access by a cross section of visitors from the Main Park Road. Fishing activity, which results in disturbance of the shoreline and water, would conflict with and impair the ability of visitors to view wading birds.

Eco Pond presents wildlife viewing opportunities, and, as a sewage-settling pond, would be a health hazard to fishing activity.

Fishing on the West Lake Boardwalk Trail would conflict with visitor sightseeing and wildlife viewing, and present a litter problem in the form of hooks and lines tangled in vegetation and the boardwalk, and the possibility of leftover bait and bait containers.

Fishing along the shoreline of the Flamingo Campground during nighttime hours conflicts with use of the shoreline amphitheater for interpretive programs, and use of shoreline campsites.

- **Wading.** The special regulations of Everglades National Park prohibit landing on the mainland shoreline and keys in most of Florida Bay. The intent of this rule was to protect this critical wildlife habitat from human disturbance. Birds, mammals, and crocodiles use these shorelines for nesting, resting and feeding. A study by the Florida Freshwater Fish and Game Commission found that no-entry zones should be established around bird rookeries, and that these zones should be maintained throughout the year. The study also recommended that no-entry zones be established around all potential bird rookery habitats to allow for natural dispersal and relocation of colonies. Because special regulations found in 36 CFR 7.45 do not define landing, this restriction is necessary to provide a buffer strip adjacent to Florida Bay shorelines. This closure will provide wildlife with adequate protection from disturbance.

This closure will also protect sensitive submerged natural features. The benthic communities of the submerged lands in Florida Bay have evolved in the absence of heavy, ambulatory animals. Further, Florida Bay is a low energy system, in that there is little wave energy such as is found on the Atlantic and Gulf Coasts. The sediments, plants, and animals found on the bay bottom are therefore extremely sensitive to and easily disturbed by visitors standing, sitting, or walking on

them. These areas include both the shallows immediately adjacent to islands, and the shoals found throughout the bay.

- **Passenger Carrying Busses.** The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park.
- **Cast Net Size.** Everglades National Park special regulations {36 CFR §7.45(d)(6)(ii)} specifies that cast nets can only be used to fish for baitfish, mullet and shrimp. The state of Florida allows for larger cast nets (28' diameter) to be used for both recreational and commercial purposes, and allows it's use for the taking of game and other regulated species. Since the park limits the use of cast nets to the taking of baitfish only, they originally restricted the size of the net to 8'. The park has since reviewed this restriction and maintains the basic premise that the larger cast nets are inappropriate in the park for the taking of bait fish for recreational fishing. There is no compelling reason not to increase the size of the net to 10' diameter. The 10' net should not cause significant resource damage caused by larger cast nets and still minimize the number of non-baitfish taken by cast nets. This will also allow for the use of the most commonly sized cast nets sold and used by recreational fishermen. This restriction may be modified based on research and/or impacts on marine resources.
- **Commercial Fishing Gear.** Changes in the Florida State laws regarding the use of commercial fishing gear changed the meaning of 36 CFR §7.45(f)(9), relating to the transport of commercial gear and fishing products. Types of gear no longer legal in state waters are still legal to use in Federal waters. State law allows transit of state waters with federally approved gear, but the NPS regulations, as written, would allow only gear legal to use in state water, and therefore exclude gear usable only in federal waters. The addition of the transit of gear legal in federal waters brings NPS regulations into line with state regulations, and still allows commercial fishermen living and working in the communities of Everglades City and Chokoloskee Island access to their livelihood. The route to Fakahatchee Bay is not included in the federal gear listing, as it does not provide a route with the most direct access to federal waters. It most directly and readily accesses state waters.

### **36 CFR 2.10**

**Camping.** The Everglades National Park Wilderness Committee has made changes to the following wilderness campsites: 1) Graveyard Creek (Flamingo District) - the maximum number of people/groups allowed has been reduced to 8/2 from 12/4. This change is due to severe erosion occurring at the campsite reducing the amount of dry land available. 2) Shark Point (Flamingo District) - is removed from the campsite list due to being overgrown with thick vegetation and prone to flooding. 3) Kingston Key (Gulf Coast District) – the maximum number of people/groups allowed has been increased to 6/1 on each side. This is a double chickee and can accommodate the increase in use.

### **36 CFR 2.21**

**Smoking.** The areas listed (trails, boardwalks, amphitheaters, VC's, restrooms and the Shark Valley tower) are sites where a cross section of visitors concentrate, where non-smokers would be in close proximity to smokers, and would be subject to the negative effects and esthetics of smoke. There are no provisions on trails, boardwalks, or at the Shark Valley tower for disposal of ashes and cigarette butts, and in some cases may present a risk, due to fuel characteristics, of fire from lighted materials. In addition, the litter from cigarette materials would pose a negative

visual impact on a natural area.

### **36 CFR 3.6**

**Gopher Key Creek No Wake Zone.** Gopher Key Creek and the Gopher Key area have seen a steady increase in boat traffic. Gopher Key Creek, at the confluence of Cannon Bay, starts a narrow, winding and heavily traveled creek that has numerous blind curves and is very shallow with many stumps below the surface. There have been several "close calls" with boats traveling in opposite directions and on plane through the creek. Gopher Key Creek is similar in nature to Plate and Alligator Creeks, which are along the Wilderness Waterway. Both Plate and Alligator Creeks are already designated "No Wake". The narrow part of the creek is just over one mile long and at idle speed should take approximately 15 minutes to traverse.

### **36 CFR 4.30**

**Bicycle Access to Old Ingraham Highway.** The Old Ingraham Highway is a 10.8-mile abandoned paved road, with the typical fill canal alongside. There are two backcountry campsites, Old Ingraham, and Ernest Coe, accessible by the road. The highway is classed as "potential wilderness", which means it can be designated as wilderness in the event the road is removed. In the interim, the improved surface byway provides the opportunity for a unique visitor experience, without affecting the area's potential as future wilderness. Because the Old Ingraham Highway is a man-made surface, bicycle use would have no effect on either the natural environment or the area's potential to be designated as wilderness.

The highway is the only place in the park where visitors could access and use backcountry campsites by bicycle. The area through which the paved surface passes is a fine example of the open sawgrass and sawgrass/cypress habitats. Visitors have a "window" into a wilderness setting, where they may observe wildlife and native landscapes away from the noise, disturbance, and hazards of the Main Park Road. Until the area is returned to a natural state, the use of bicycles provides an excellent interim use for the highway.

**Bicycle Access on Context Road.** Context Road is in the East Everglades expansion area of the park. It is a gravel road that is closed to motor vehicles, which provides access by bicycle to native Everglades habitat. The area is not classified as wilderness, or potential wilderness, and provides the only access of that type in the East Everglades area. It is the only area in that part of the park where visitors may use bicycles without competing with motor vehicle traffic on narrow roadways without bicycle lanes. It makes Everglades National Park accessible to another segment of the visiting public.

Approved by:

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Superintendent

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Date